

REMARKS

This is intended as a full and complete response to the Office Action dated August 15, 2006, having a shortened statutory period for response set to expire on November 15, 2006. Applicants respectfully request entry and consideration of the above noted amendments and the following remarks in response to the Office Action.

OBJECTIONS:

The disclosure stands objected to. Applicants have corrected paragraph 19 of the specification and respectfully request withdrawal of the objection.

CLAIM REJECTIONS:

Claims 1, 4, 6-9 and 12-14 stand rejected under 35 U.S.C. §112, second paragraph. Applicants have clarified such claims to reflect the accurate temperature ranges. Support for such clarification is found in at least Figure 1.

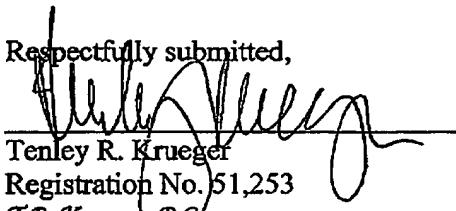
Claims 1-22 and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative as being unpatentable over, U.S. Patent No. 6,803,421 (*Joseph*). Claims 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Joseph*. The Office Action states that while “the exemplified blends are not characterized in terms of flexural modulus or maximum load under Dynatup Impact test. Nevertheless, the blends were prepared by substantially the same procedure as the instantly claimed copolymer.” The Office Action further states that “in view of the similarity in preparation procedure and the identity of impact copolymer composition and MFR, there is a plausible basis for inferring that the undisclosed properties of the claimed copolymer are intrinsic features of the propylene compositions described by *Joseph*.”

As discussed in the interview, Applicants disagree. The reference must “sufficiently describe the claimed invention to have placed the public in possession of it.” See, *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopedics, Inc.*, 976 F.2d 1559, 1572, 24 U.S.P.Q.2d 1321, 1332 (Fed. Cir. 1992.) *Joseph* does not inherently teach, show or suggest the exact same procedure recited in the instant claims and therefore cannot inherently anticipate or suggest an impact copolymer having a maximum load under Dynatup Impact test (ASTM D-3763) of equal to or greater than about 1,700

N at a temperature of greater than or equal to about -40° C. Accordingly, Applicants respectfully request withdrawal of the rejection.

In conclusion, Applicants submit that the references cited in the Office Action, neither alone nor in combination, teach, show, or suggest the claimed features. Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Respectfully submitted,


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